

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Finance



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MEMORANDUM

DATE: June 20, 2012

TO: Legislative Budget and Audit Committee

FROM: David Teal, Director

SUBJECT: Preparation for the June 27th, 2012 LB&A Meeting

OMB submitted the following FY13 RPLs for consideration at the June 27th, 2012 Legislative Budget and Audit Committee meeting. These RPLs, along with Legislative Finance comments, are posted on our web site at <http://www.legfin.state.ak.us/>.

RPL#	Agency	Subject	Amount	Fund Source
05-3-0002 FY13 Operating	Education and Early Development	Harper Arts Touring Program	\$80,000	SDPR (1108)
06-3-0099 FY13 Operating	Health and Social Services	Patient Centered Medical Homes	\$33,600	MHTAAR (1092)
10-3-5000 FY13 Operating	Natural Resources	Real Estate Portfolio Development	\$360,300	MHTAAR (1092)
10-3-5001 FY13 Capital	Natural Resources	Canadian Thistle Control	\$85,000	SDPR (1108)

If you have any questions that you want an agency to address at the meeting, please call us so we can help ensure the agency has a response prepared.

**Department of Education & Early Development
Commission and Boards
Alaska State Council on the Arts**

Subject of RPL: Harper Arts Touring Program	ADN/RPL #: 05-3-0002
Amount requested: \$80,000	Appropriation Authority: Sec 1, Ch 15, SLA 2012, pg 12, ln 15
Funding source: \$80,000 SDPR (1108) Operating	Statutory Authority: AS 44.27.050-052

PURPOSE

In FY2013, the Rasmuson Foundation will engage the services of the Alaska State Council on the Arts (ASCA) in the administration of the Harper Arts Touring grant program. The Harper Arts Touring program helps stimulate access to high quality performing arts in communities throughout Alaska, including traveling arts and cultural exhibits. The program helps encourage tours of Alaska's performing arts, and builds capacity of organizations in small communities.

PREVIOUS LEGISLATIVE CONSIDERATION

At their October 14, 2011 meeting, Legislative Budget and Audit approved RPL 05-2-0070 for \$65,000 Statutory Designated Program Receipts.

TIMING ISSUES

The initial agreement with the Rasmuson Foundation to administer its Harper Arts Touring grant program began in FY2012. At that time, there was not assurance that the services of ASCA would be needed in the following fiscal year. However, in mid-April 2012, the Rasmuson Foundation notified the ASCA of its interest in renewing ASCA's services for the Harper Arts Touring grant program. Should the Rasmuson Foundation indicate a desire for continued support in FY2014 and beyond, the Department will request an increase to the statutory designated program receipt authorization during the FY2014 budget process.

A renewed agreement between the ASCA and the Rasmuson Foundation has been received for FY2013.

Due to the nature of how the ASCA cultivates partnerships through private entities, there are continuous opportunities to apply for private funding grants. However, the unanticipated timing and funding level of receipts is challenging in order to exactly align authorization.

BUDGETARY ISSUES

The Department of Education and Early Development is respectfully requesting \$80,000 additional Statutory Designated Program Receipt (SDPR) authorization for the Harper Arts Touring grant program. The funding will be allocated to the following expenditure line items: 73000 (Services) \$20,000 and 77000 (Grants) \$60,000. There is no general fund match requirement, and no new positions will be needed for this request.

	Authorization Total
FY2013 Budgeted SDPR	180,000
Less Grants:	
Arts In Education	(140,000)
Grants in process from the following: ConocoPhillips, Rasmuson	(40,000)
Available Balance	0
RPL - Harper Arts Touring Program	80,000
Total Revised Authorization	260,000

Approval of this request will give the ASCA the ability to receive and expend grant funds by disbursing them to eligible non-profit organizations in Alaska for the purpose of making the performing arts available in their communities. This funding opportunity aligns with the ASCA's long term plans and mission to foster the development of the arts for all Alaskans through education, partnerships, grants and services.

Legislative Fiscal Analyst Comment: Budgeted FY13 SDPR is \$180,800, bringing the overall total to \$260,800 with the approval of this RPL. Also, the Rasmuson Foundation allows up to \$20,000 of the Harper Arts Touring Program to be used for administrative costs of the Alaska State Council on the Arts.

	Appropriation		General	Other
	Allocations	Items	Funds	Funds
1				
2				
3	It is the intent of the legislature that \$250,000 GF will be provided in addition to the			
4	Governor's existing FY13 request for Early Learning Coordination, including Parents as			
5	Teachers.			
6	Pre-Kindergarten Grants	4,000,000		
7	It is the intent of the legislature that funding in the Pre-Kindergarten allocation be made			
8	available to grantees through a competitive bid process every two years beginning in FY2013.			
9	In addition, the Department of Education and Early Development is to work with grantees to			
10	ensure that all students participating in the Pre-Kindergarten programs be tested at the start			
11	and end of their participation to provide a means to measure the program's effectiveness.			
12	Commissions and Boards	2,116,500	1,104,800	1,011,700
13	Professional Teaching	295,800		
14	Practices Commission			
15	Alaska State Council on the Arts	1,820,700		
16				
17	Mt. Edgecumbe Boarding	10,356,200	4,278,400	6,077,800
18	School			
19	Mt. Edgecumbe Boarding	10,356,200		
20	School			
21	State Facilities Maintenance	3,311,300	2,115,800	1,195,500
22	State Facilities	1,169,500		
23	Maintenance			
24	EED State Facilities Rent	2,141,800		
25	Alaska Library and Museums	12,574,400	8,018,700	4,555,700
26	Library Operations	9,153,300		
27	Archives	1,332,400		
28	Museum Operations	2,088,700		
29	Alaska Postsecondary	21,031,500	5,964,800	15,066,700
30	Education Commission			
31	Program Administration &	18,066,700		
32	Operations			
33	WWAMI Medical Education	2,964,800		

2012 Legislature - Operating Budget Allocation Totals - Conf Com Structure

Numbers and Language

Agency: Department of Education and Early Development

Appropriation: Commissions and Boards
Allocation: Alaska State Council on the Arts

	[1] 12FnlBnd	[2] Adj Base	[3] Gov Amd+	[4] Enacted	[5] Bills	[6] OtherOp	[7] 13Bndgt	[7] - [1] 12FnlBnd to 13Bndgt	[7] - [2] Adj Base to 13Bndgt	[7] - [3] Gov Amd+ to 13Bndgt		
Total	1,863.0	1,813.7	1,820.7	1,820.7	0.0	0.0	1,820.7	-42.3	-2.3 %	7.0	0.4 %	0.0
Objects of Expenditure												
Personal Services	578.1	603.8	603.8	603.8	0.0	0.0	603.8	25.7	4.4 %	0.0		0.0
Travel	28.6	28.6	32.6	32.6	0.0	0.0	32.6	4.0	14.0 %	4.0	14.0 %	0.0
Services	407.5	382.5	383.1	383.1	0.0	0.0	383.1	-24.4	-6.0 %	0.6	0.2 %	0.0
Commodities	18.0	18.0	20.4	20.4	0.0	0.0	20.4	2.4	13.3 %	2.4	13.3 %	0.0
Capital Outlay	10.0	10.0	10.0	10.0	0.0	0.0	10.0	0.0		0.0		0.0
Grants, Benefits	820.8	770.8	770.8	770.8	0.0	0.0	770.8	-50.0	-6.1 %	0.0		0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Funding Sources												
1002 Fed Rcpts (Fed)	785.7	793.9	793.9	793.9	0.0	0.0	793.9	7.2	0.9 %	0.0		0.0
1003 G/F Match (UGF)	769.2	775.4	775.4	775.4	0.0	0.0	775.4	7.2	0.9 %	0.0		0.0
1004 Gen Fund (UGF)	22.2	22.7	22.7	22.7	0.0	0.0	22.7	0.5	2.3 %	0.0		0.0
1005 GF/Prgm (DGF)	10.9	10.9	10.9	10.9	0.0	0.0	10.9	0.0		0.0		0.0
1007 I/A Rcpts (Other)	0.0	0.0	7.0	7.0	0.0	0.0	7.0	7.0	>99% %	7.0	>99% %	0.0
1108 Stat Desig (Other)	245.0	180.8	180.8	180.8	0.0	0.0	180.8	-64.2	-26.2 %	0.0		0.0
1145 APP Fund (Other)	30.0	30.0	30.0	30.0	0.0	0.0	30.0	0.0		0.0		0.0
Positions												
Perm Full Time	6	6	6	6	0	0	6	0		0		0
Perm Part Time	0	0	0	0	0	0	0	0		0		0
Temporary	0	0	0	0	0	0	0	0		0		0
Funding Summary												
Unrestricted General (UGF)	790.4	798.1	798.1	798.1	0.0	0.0	798.1	7.7	1.0 %	0.0		0.0
Designated General (DGF)	10.9	10.9	10.9	10.9	0.0	0.0	10.9	0.0		0.0		0.0
Other State Funds (Other)	275.0	210.8	217.8	217.8	0.0	0.0	217.8	-57.2	-20.8 %	7.0	3.3 %	0.0
Federal Receipts (Fed)	786.7	793.9	793.9	793.9	0.0	0.0	793.9	7.2	0.9 %	0.0		0.0

ALASKA STATE LEGISLATURE

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MEMORANDUM

DATE: October 7, 2011
TO: Legislative Budget and Audit Committee
FROM: David Teal, Director
SUBJECT: Preparation for the October 14, 2011 LB&A Meeting

OMB submitted the following RPLs for consideration at the October 14, 2011 Legislative Budget and Audit Committee meeting. These RPLs, along with Legislative Finance comments, are posted on our web site at <http://www.legfin.state.ak.us/>. If you have any questions that you want an agency to address at the meeting, please call us so we can help ensure the agency has a response prepared.

RPL#	Agency	Subject	Amount	Fund Source
05-2-0070	Department of Education and Early Development	Harper Arts Touring Program	\$65,000	SDPR Operating
06-2-0212	Department of Health & Social Services	Alaska's Strategic Prevention Framework State Incentive Grant	\$1,007,322	Federal Receipts Operating
08-2-0104	Department of Commerce, Community, & Economic Development	State Trade & Export Promotion Grant Program	\$156,700	Federal Receipts Operating
10-2-5045	Department of Natural Resources	Permitting Coordination Applications	\$950,000	SDPR Operating
25-2-7760	Department of Transportation & Public Facilities	Alaska Construction Career Day Events	\$30,000	SDPR Operating

**Department of Education & Early Development
Commissions and Boards
Alaska State Council on the Arts**

Subject of RPL: Harper Arts Touring Program	ADN/RPL #: 05-2-0070
Amount requested: \$65,000	Appropriation Authority: Sec 1, Ch 3, FSSLA 2011, Pg 12, Lines 22-23
Funding source: \$65,000 SDPR (1108) Operating	Statutory Authority: AS44.27.050-052

PURPOSE

The Rasmuson Foundation is engaging the services of the Alaska State Council on the Arts (ASCA) in the administration of the Harper Arts Touring program. The Harper Arts Touring program helps stimulate access to high quality performing arts in communities throughout Alaska, including traveling arts and cultural exhibits. The program helps encourage tours of Alaska's performing arts, and builds capacity of organizations in small communities.

PREVIOUS LEGISLATIVE CONSIDERATION

There was no previous legislative consideration.

TIMING ISSUES

The ASCA was notified of the unanticipated Rasmuson Foundation grant after the regular session ended, and the associated funding agreement was finalized and signed August 31 (see attachment). The funds are currently in-hand and are available through June 30, 2012.

Due to the nature of how the ASCA cultivates partnerships through private entities, there are continuous opportunities to apply for private funding grants. However, the unanticipated timing and funding level of receipts is challenging in order to exactly align authorization.

BUDGETARY ISSUES

The Department of Education and Early Development is respectfully requesting \$65,000 additional SDPR authorization for the Harper Arts Touring grant. The funding will be allocated to the following expenditure line items: 73000 (Services) \$15,000 and 77000 (Grants) \$50,000. There is no general fund match requirement, and no new positions are needed for this request.

	AuthorizationTotal
FY12 Budgeted SDPR	180,000
Less Grants:	
Arts in Education	(140,000)
Grants in process from the following: ConocoPhillips, Rasmuson, GCI- notifications due during October	(40,000)
Available Balance	0
RPL-Harper Arts Touring Program	65,000
Total Revised Authorization	245,000

Approval of this request will give the ASCA the ability to receive and expend grant funds by disbursing them to eligible non-profit organizations in Alaska for the purpose of making the performing arts available in their communities.

Agency Contact: Anna Kim, (907) 465-2875
Legislative Finance Contact: Danith Watts, (907) 465-5435

This funding opportunity aligns with the ASCA's long term plans and mission to foster the development of the arts for all Alaskans through education, partnerships, grants and services.

***Legislative Fiscal Analyst Comment:* The terms of the attached contract limit pass-through grants to \$50,000. An additional \$15,000 provided by the Rasmuson Foundation is to cover administrative costs of the Alaska State Council on the Arts. Funding approved by the Foundation was not anticipated in the FY12 budget. The FY12 budgeted amount for SDPR of \$180,000 is already committed. Approval of this RPL will bring the overall FY12 SDPR to \$245,000.**

**Department of Health and Social Services
Division of Health Care Services
Medical Assistance Administration**

Subject of RPL: Patient Centered Medical Homes with Integrated Services	ADN/RPL #: 06-3-0099
Amount requested: \$ 33,600	Appropriation Authority: Sec 1 Ch 15 SLA 2012 pg 19 ln 13
Funding source: MHTAAR (1092) Operating	Statutory Authority: AS 47.07, AS 47.25

PURPOSE

The Division of Health Care Services requests authorization to expend \$33,600 of MHTAAR funds from the Alaska Mental Health Trust Authority (Trust). This amount represents the balance carried forward to FY2013 from the \$100,000 Trust project funding originally approved for FY2012. The funding has been allocated to employ a consultant experienced in the Patient Centered Medical Home (PCMH) model of care delivery system. The division will continue to use the funds to contract with the consultant for design of a sustainable and successful PCMH care delivery system.

PREVIOUS LEGISLATIVE CONSIDERATION

During their December 5, 2011 meeting, Legislative Budget and Audit approved FY2012 authorization for initial MHTAAR funding of \$100,000 (ADN# 06-2-0348) for the Patient Centered Medical Home Model project. The 2012 legislature approved \$500,000 of FY2013 MHTAAR authorization for the continuation of the project. Because it was not possible to know in advance how much of the original FY2012 authority might be available for carry forward into FY2013, no carry forward request was presented for consideration by the legislature during session.

TIMING ISSUES

The Department of Health and Social Services received approval to carry forward the \$33,600 from the Trust during their April 10, 2012 Finance Committee meeting. Funding is available at this time (see attached memo from the Trust), and the division is continuing its work with the consultant to complete the plans for the PCMH care delivery system. The project period for these carry forward funds is from July 1, 2012 through June 30, 2013.

If the carry forward request is denied, funds would lapse and FY2013 authority available for the continued development of the PCMH care delivery system would be reduced by that \$33,600 amount.

Legislative Fiscal Analyst Comment: If the RPL is not approved, FY13 authorization would remain at the \$500.0 that was appropriated in the operating budget. This RPL would increase FY13 MHTAAR authorization for the project to \$533.6. In addition, the Department intends to use \$200.0 of federal receipts for the project in FY13 (see below).

BUDGETARY ISSUES

Carry forward funding supports establishment of a PCMH model of care as envisioned and highly recommended by the Medicaid Task Force. The funding fits into the long-term plans, missions and measures of the division because they support, and are consistent with, the core functions of Health Care Services.

The division has encumbered \$66,400 of the \$100,000 FY2012 MHTAAR funds. There are no known current or future budgetary impacts of this carry forward request. The funding for this project grant is 100% MHTAAR. However, the department is matching the Trust funding with \$200,000 of one-time federal funding, available for expenditure through June 30, 2013.

Legislative Fiscal Analyst Comment: The Department is using (as matching funds) \$200,000 of the \$4.9 million federal funds received from a FY10 Children's Health Insurance (CHIP) performance bonus. None of the \$200,000 federal funds budgeted for this project has been expended. Although some federal requirements apply, these incentive funds are discretionary and are intended to be spent on priority programs within the agency. The Legislative Finance Division has no technical issues with this request, but notes that this RPL funds only the development of a model for a care delivery system. The cost of providing services under the new care delivery model is unknown, but is expected be less than under the current care delivery system.

Long-term, once the PCMH care delivery system has been established, the department plans to request the appropriate federal medical assistance percentage (FMAP) associated with the reimbursement to medical homes for case management not currently covered. At this time, the department estimates the FMAP to be 50% with 50% state match in the general population, 100% for American Indian and Alaska Native recipients receiving care from tribal providers, and the applicable match rates for children and pregnant women. Medical Home models in full operation typically demonstrate cost savings as a result of improved coordination of care and avoidance of duplication of testing, expanded access to primary care resulting in fewer emergency room visits, and increased early intervention for chronic conditions resulting in better outcomes.



LAWS OF ALASKA

2012

Source
CCS HB 284

Chapter No.
15

AN ACT

Making appropriations for the operating and loan program expenses of state government and for certain programs, capitalizing funds, amending appropriations, and making reappropriations; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Enrolled HB 284

		Appropriation	General	Other
		Allocations	Funds	Funds
1				
2				
3	Residential Child Care	3,324,000		
4	Infant Learning Program	4,458,000		
5	Grants			
6	Health Care Services	32,126,000	13,894,500	18,231,500
7	Catastrophic and Chronic	1,471,000		
8	Illness Assistance (AS			
9	47.08)			
10	Health Facilities Licensing	2,189,200		
11	and Certification			
12	Certification and Licensing	5,872,400		
13	Medical Assistance	17,203,700		
14	Administration			
15	Rate Review	3,235,800		
16	Community Health Grants	2,153,900		
17	Juvenile Justice	56,818,400	53,920,800	2,897,600
18	McLaughlin Youth Center	18,266,000		
19	Mat-Su Youth Facility	2,217,800		
20	Kenai Peninsula Youth	1,863,500		
21	Facility			
22	Fairbanks Youth Facility	4,697,000		
23	Bethel Youth Facility	4,111,900		
24	Nome Youth Facility	2,708,800		
25	Johnson Youth Center	4,211,100		
26	Ketchikan Regional Youth	1,829,100		
27	Facility			
28	Probation Services	14,908,000		
29	Delinquency Prevention	1,475,800		
30	Youth Courts	529,400		
31	Public Assistance	315,982,800	170,891,100	145,091,700
32	Alaska Temporary	30,255,400		
33	Assistance Program			

2012 Legislature - Operating Budget Transaction Detail - Conf Com Structure 13Budget Column

Numbers and Language

Agency: Department of Health and Social Services

Trans Type	Total Expenditure	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants	Misc	PFT	PPT	TMP
Health Care Services (continued)											
Medical Assistance Administration (continued)											
Transfer Unrealized Authority to Certification and Licensing for Background Check Fee Collection (continued)											
1007 I/A Rcpts (Other)	-250.0										
Transfer Deputy Director (06-0605) to Commissioner's Office											
1002 Fed Rcpts (Fed)	-82.9										
1003 G/F Match (UGF)	-82.8										
Delete Long Term Non-Permanent Administrative Assistant (06-N08080)											
Delete Long-Term Vacant Positions											
Reverse American Recovery and Reinvestment Act (ARRA) Funding Sec 33(d) CH3 FSSLA2011 P92 L8-12 (HB108)											
1212 Stimulus09 (Fed)	-625.4										
FY2013 Salary Increases											
1002 Fed Rcpts (Fed)	59.7										
1003 G/F Match (UGF)	53.3										
1004 Gen Fund (UGF)	9.7										
1061 CIP Rcpts (Other)	35.8										
FY2013 Health Insurance Increases											
1002 Fed Rcpts (Fed)	29.3										
1003 G/F Match (UGF)	25.0										
1004 Gen Fund (UGF)	5.9										
1061 CIP Rcpts (Other)	17.8										
Delete Unrealizable Authorization											
1002 Fed Rcpts (Fed)	-2,000.0										
Unrealized Authority											
1007 I/A Rcpts (Other)	-250.0										
AMD- Patient-Centered Medical Homes with Integrated Services											
1002 MHTAAR (Other)	500.0										
* Allocation Total *	17,703.7	9,198.2	236.6	7,650.5	267.4	31.0	320.0	0.0	80	0	3
Rate Review											
FY12 Conference Committee											
1002 Fed Rcpts (Fed)	1,237.6										
1003 G/F Match (UGF)	929.7										
1004 Gen Fund (UGF)	171.5										
ADN 06-2-0240 Transfer of PCN 06-0070 and funding from Medical Assistance Administration											
1002 Fed Rcpts (Fed)	64.2										
1005 GF/Prgm (DGF)	136.1										
ADN 06-2-0241 Line Item Transfer to cover Alaska State Hospital & Nursing Home Association (ASHNHA) grant funding											
Align Authority to Comply with Vacancy Factor Guidelines											
FY2013 Salary Increases											
1002 Fed Rcpts (Fed)	17.2										

Change Record Detail with Description

Department of Health and Social Services

Scenario: FY2013 Governor Amended (9727)

Component: Medical Assistance Administration (242)

RDU: Health Care Services (485)

Title: Patient-Centered Medical Homes with Integrated Services

Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
									PFT	PPT	NP
IncOTI	500.0	0.0	0.0	200.0	0.0	0.0	300.0	0.0	0	0	0
1092 MHTAAR	500.0										

Change Record Detail with Description

Department of Health and Social Services

Scenario: FY2013 Governor Amended (9727)

Component: Medical Assistance Administration (242)

RDU: Health Care Services (485)

Title: Patient-Centered Medical Homes with Integrated Services

Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
									PFT	PPT	NP

Existing mental health systems alone are not enough to address the growing concerns of the Medicaid population as it relates to identifying and treating mental health and substance abuse disorders. Primary care providers are ideally situated to fill the existing gap. By applying an integrated medical home model, these providers can identify and treat and/or appropriately refer recipients with these co-morbid conditions. Integration is essential to address existing disparities in health care.

A portion of funds (anticipated \$200.0) requested will be utilized to further strategic integration plan development initiated in FY2012 through a contractor who will also be conducting ongoing assessment of the statewide need and state of readiness for Patient Centered Medical Homes with integration. This contractor will also provide continued technical assistance to medical home pilot participants and others interested regarding such topics as:

- Patient tracking and registry functions
- Use of non-physician staff for case management
- The adoption of evidence-based guidelines
- Patient self-management support and tests (screenings)
- Referral tracking
- Patient engagement and personal responsibility

The remaining funds (anticipated \$300.0) will be made available as a one-time competitive grant for up to four pilot programs for medical home infrastructure development, such as the addition of a behavioral health clinician or specialized case manager and/or collaborative developments with the goal of expanded access to mental health specialists.

This model has the potential to expand outreach and linkage to services for some of our most vulnerable Alaskans. Failure to attempt such integration will result in status quo or worsened conditions and continued disparity for Alaska Medicaid recipients with concurrent mental health/substance abuse conditions and medical concerns. We already know the life expectancy for these individuals is significantly lower on average than individuals without mental health/substance abuse concerns. Additionally, as we anticipate this portion of our population to continue to grow within Medicaid, we must find an appropriate model to address their needs in the most cost-effective manner that allows recipients to get the right care at the right time in the right place.

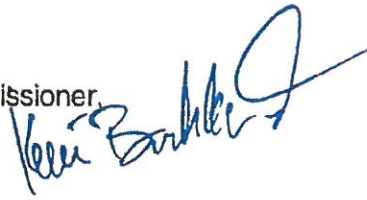
This is a new request Mental Health Trust recommendation for FY2013.

FY2013 December budget – \$17,203.7
FY2013 Amendment – \$500.0
TOTAL FY2013 – \$17,703.7

3745 Community Park Loop
Suite #200
Anchorage, AK 99508
Phone: (907) 269-7960
Fax: (907) 269-7966



Memo

To: Nancy Rolfzen, DHSS Assistant Commissioner
From: Kevin Buckland, Chief Financial Officer 
Date: May 21, 2012
Re: Medical Home Model - \$33,600 FY12-13 MHTAAR Carryover Approval

During the April Finance Committee meeting, Trustees approved a Change of Intent MHTAAR Carryover in the amount of \$33,600 in MHTAAR funding (OMB Fund Code 1092) for the "Medical Home Model" project.

A copy of the pertinent minutes from the April 10, 2012 meeting is attached.

Total Trustee authorized funding for this project remains at \$100,000. We understand that DHSS is accounting for this project under appropriation 23310, collocation code 06214154-12. Currently \$66,400 has been encumbered by the department; however no expenditures have actually occurred at this time.

If the unexpended/unobligated balance at the end of the FY12 reappropriation period is less than the \$33,600 that Trustees authorized for carryover, only the lower unexpended balance may be established in FY13. If the FY12 unexpended/unobligated balance exceeds \$33,600 then only \$33,600 authorization should be established for FY13.

Please feel free to use this memo as backup to your request to the Legislative Budget & Audit Committee as DHSS will require their approval for you to receive and expend the unbudgeted MHTAAR funding during FY13.

If you have any questions please contact myself or the appropriate associate here at The Trust. Thank you.

cc: Michael Baldwin, Delisa Culpepper, Luke Lind, Marilyn McMillan, AMHTA
Joe Hall, Jocelyn Yadao, DHSS
Sarah Brinkley, OMB
FY12 Lapse Tracking File

MEDICAL HOME MODEL PROJECT CHANGE OF INTENT

CHAIR DERR moves to the last change of intent, the Medical Home Model Project.

TRUSTEE WEBB makes a motion to approve a one-year extension for the Medical Home Model Project to carry forward \$33,600 until June 30, 2013.

TRUSTEE BARTON seconds.

There being no objections, the motion is approved.

CHAIR DERR moves on to the motion that came forward from the Resource Committee that met this morning.

TRUSTEE BARTON makes a motion, requested from the Resource Committee, to approve a motion to fund the Land Office with \$100,000 for legal consultation, and \$100,000 for project management consultation.

TRUSTEE WEBB seconds.

MR. JESSEE clarifies that this is out of income, to be added to their operating budget.

There being no objections, the motion is approved.

CHAIR DERR asks for anything else to come before the Finance Committee.

MR. JESSEE states that he has a quick announcement. He states that Jim Gottstein is doing a presentation tonight at the Wilda Marson Theater from 7:00 to 9:00, plus three films will be screened.

CHAIR DERR thanks Nelson Page for his participation and work with the Land Office. She asks for a motion for adjournment.

TRUSTEE BARTON moves adjournment.

TRUSTEE WEBB seconds.

CHAIR DERR adjourns the Finance Committee meeting at 3:42 p.m.

(Finance Committee meeting adjourned at 3:42 p.m.)

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Finance



December 6, 2011

P.O. Box 113200
Juneau, AK 99811-3200
(907) 465-3795
FAX (907) 465-1327
www.legfin.state.ak.us

Ms. Karen Rehfeld, Director
Office of Management & Budget
Office of the Governor, MS 0102

Ms. Rehfeld:

The following RPLs were approved by the Legislative Budget & Audit (LB&A) Committee during their December 5, 2011 meeting:

RPL#	Agency	Subject	Amount	Fund Source
06-2-0348	Department of Health & Social Services	Patient-Centered Medical Home Model	\$100,000	MHTAAR Operating
18-2-0382	Department of Environmental Conservation	Contaminated Sites Cleanup	\$350,000	Federal Operating

Sincerely,

A handwritten signature in cursive script, appearing to read "David Teal".

David Teal
Legislative Fiscal Analyst

cc: Pauly Swanson

**Department of Health and Social Services
Division of Health Care Services
Medical Assistance Administration**

Subject of RPL: Patient-Centered Medical Home Model	ADN/RPL #: 06-2-0348
Amount requested: \$ 100,000	Appropriation Authority: Sec 1 Ch3 FSSLA 2011 Pg 19 Ln 32
Funding source: \$100,000 MHTAAR (1092) Operating	Statutory Authority: AS 47.07

PURPOSE

The Division of Health Care Services (HCS) requests \$100,000 in additional MHTAAR authority in order to fund consultant costs of developing guidelines for creating a sustainable and successful Patient-Centered Medical Home (PCMH) model of care delivery system. The adoption of the PCMH model is a highly recommended action of the Medicaid Task Force, and it fits into the long-term plans, missions, and measures of the Division.

PREVIOUS LEGISLATIVE CONSIDERATION

There has been no previous consideration of this request by finance committees. In addition, the division has not submitted any previous RPLs for this activity. The Alaska Mental Health Trust is the source of funding. Consideration during the last legislative session was not possible because the recommendation to pursue PCMH had not been approved by the Governor and the division was not made aware of the funding approval until October 2011. There are no funds appropriated for the purpose of supporting a Patient Centered Medical Home model of care delivery system.

TIMING ISSUES

This funding was just approved by the Mental Health Trust in September 2011, and the memo from the Trustees notifying DHSS of the approved funding is dated October 5th. However, the funds are available for expenditure for this purpose only until June 30, 2012. Additionally, HCS has no other MHTAAR authority in the division. For this reason, HCS cannot wait for the supplemental process to receive legislative approval of the MHTAAR authority.

The consequences of delay to expend these funds will result in missed opportunities to obtain the best qualified consultant to meet the needs of the department for the establishment of a PCMH model of care delivery system. If this request is not approved, the department will jeopardize an opportunity to develop a PCMH and the Trust-authorized funds will revert back to the Trust.

BUDGETARY ISSUES

HCS plans to match the \$100,000 in MHTAAR with \$200,000 in one-time Federal authority in order to fully fund the consultant's FY2012 work.

There is no possibility to replace existing general funds. This project uses funds from the Trust and the federal government with the understanding that the funds are a supplement to existing funds. The funding from each source expires June 30, 2012.

Agency Contact and Telephone:

Nancy Rolfzen, DHSS Assistant Commissioner, 465-1630

OMB Approved: _____

Date: 11/18/11

**Department of Natural Resources
Administration and Support
Mental Health Trust Land Administration**

Subject of RPL: Real Estate Portfolio Development	ADN/RPL #: 10-3-5000
Amount Requested: \$360,300	Appropriation Authority: Sec 1,Ch 16, SLA 2012,pg 6,ln 28
Funding Source: \$360,300 (1092 MHTAAR) Operating	Statutory Authority: AS 37.13.300

PURPOSE

The Trust Land Office (TLO) is requesting an increase to the FY2013 Conference Committee budget. Funding for a long-term non-permanent position (\$160,300) and term contracts (\$200,000) were approved by the Mental Health Trust Full Board on May 10, 2012.

The Office of Management and Budget approved one long-term non-permanent Trust Resource Manager position after the legislative session concluded. This position will provide critical support to the Real Estate section of the TLO. It is a key component of the TLO's ability to continue to develop its real estate portfolio and earn revenue for the Mental Health Trust. The TLO is requesting an additional \$160,300 in personal services to fully fund this long-term non-perm position.

Additionally, the TLO is requesting \$200,000 for term contracts. These contracts will provide the TLO with immediate access to private sector technical services that support project due diligence. The use of term contracts will allow the TLO to take advantage of potential opportunities immediately by having technical project support and legal counsel already under contract to be used on an as-needed basis. Due diligence is largely completed by staff, but private sector support is needed for legal counsel and project management services. These services include project managers, architects, engineers, surveyors, attorneys, and appraisers.

PREVIOUS LEGISLATIVE CONSIDERATION

This request has not previously been considered by the Legislature and no funds have been appropriated for this purpose. There is no associated intent language. No previous RPLs have been submitted.

Legislative Fiscal Analyst Comment: The TLO received an increment of \$261.3 in the FY13 budget. Of this, \$215.8 is to be used for rising costs associated with contract appraisers, engineers and surveyors and for supporting the acquisition of properties that directly benefit Trust beneficiaries (a newer ideology of the Trust). This "support" includes hiring additional contractors to assist in due diligence, legal counsel and project management. In response to a question about the similarity of this RPL to a FY13 increment, the agency offered the following explanation.

The Legislature has certainly considered personal services and contractual costs for the MHTLO in the past, including the FY13 increment. This particular position requested in the RPL has not been funded in the past, and the approach to entering into a portfolio of "term-contracts" (contracts for a specific term that can be available and accessed by the MHTLO on an as-needed basis) has

Agency Contact: Jean Davis, Administrative Services Director, 465-2422
Legislative Finance Division Contact: Rob Carpenter, 465-5413

not been done in the past. As these are new approaches to conducting our business, the department viewed that as having not been considered before.

TIMING ISSUES

The funding is not in the FY2013 operating budget because the position was approved by OMB following the SLA2012 legislative session. The funding for the position and the term contracts were approved by the Full Board May 10, 2012 (please see attached memo). Approval is needed now in order to have the authority in place at the start of FY2013.

BUDGETARY ISSUES

The current FY2013 budget appropriation is inadequate to allow the TLO to fund the additional position and term contracts. These are critical to the development of the real estate investment portfolio of the TLO. Real estate is a key component of the TLO's revenue strategy in the upcoming years. If funding is not approved, the TLO will be unable to continue to advance the real estate program and maximize revenues for the Mental Health Trust Fund. This request will be included in the FY2014 budget request.

Personal Services: \$160,300 Services: \$200,000



LAWS OF ALASKA

2012

Source
CCS HB 285

Chapter No.
16

AN ACT

Making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

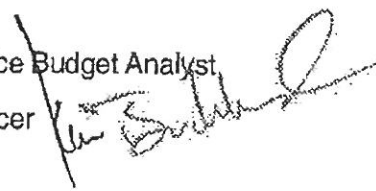
Enrolled HB 285

		Appropriation	General	Other
		Allocations	Funds	Funds
1	Education			
2	Departmental Support	574,800	459,800	115,000
3	Services			
4	Commissioner's Office	224,800		
5	HSS State Facilities Rent	350,000		
6	Medicaid Services	81,250,800	81,250,800	
7	Behavioral Health Medicaid	77,622,900		
8	Services			
9	Children's Medicaid	3,627,900		
10	Services			
11	*****		*****	
12	***** Department of Labor and Workforce Development *****			
13	*****		*****	
14	Vocational Rehabilitation	100,000	100,000	
15	Special Projects	100,000		
16	*****		*****	
17	***** Department of Law *****			
18	*****		*****	
19	Civil Division	92,000	92,000	
20	Human Services	92,000		
21	*****		*****	
22	***** Department of Natural Resources *****			
23	*****		*****	
24	Administration & Support	3,601,000		3,601,000
25	Services			
26	Mental Health Trust Lands	3,601,000		
27	Administration			
28	*****		*****	
29	***** Department of Revenue *****			
30	*****		*****	
31	Alaska Mental Health Trust	3,467,200	298,800	3,168,400

3745 Community Park Loop
Suite #200
Anchorage, AK 99508
Phone: (907) 269-7960
Fax: (907) 269-7966



Memo

To: Sarah Cunningham, Trust Land Office Budget Analyst
From: Kevin Buckland, Chief Financial Officer 
Date: May 25, 2012
Re: Trust Land Office - Amended FY13 Operating Budget authorization

During a May 10, 2012 meeting of the Alaska Mental Health Trust Authority Board of Trustees, Trustees approved additional FY13 MHTAAR funding (OMB Fund Code 1092) for the Alaska Mental Health Trust Land Office as follows:

Legal Consultation and Project Management Consultation Contracts (Line 300)	\$200,000
Additional long-term non-perm Resource Manager Position, Real Estate Section (Line 100)	\$160,300

The total FY13 MHTAAR authorization increase totals \$360,300 and is in addition to the \$3,601,000 MHTAAR funding as approved by the enrolled version of the Mental Health Budget Bill (HB 285).

Upon approval of the Legislative Budget & Audit Committee, the total FY13 MHTAAR authorization for the Alaska Mental Health Trust Land Office operating budget will be \$3,961,300.

Please feel free to use this memo as backup to your request to OMB and the Legislative Budget & Audit Committee.

If you have any questions please contact myself or the appropriate associate here at The Trust. Thank you.

cc: Jeff Jessee, Dellsa Culpepper, Luke Lind, Michael Baldwin,
Marilyn McMillan, The Trust
Greg Jones, John Morrison, Trust Land Office
Dennis Girardot, DNR Support Services
Sarah Woods, OMB

**Department of Natural Resources
Agriculture
North Latitude Plant Material Center**

Subject of RPL: Canada thistle (<i>Cirsium arvense</i>) cooperative control within the Anchorage area.	ADN/RPL #: ADN 10-3-5001
Amount requested: \$85,000	Appropriation Authority: Sec 1,Ch 5, FSSLA 2011,pg 90,ln29
Funding source: \$85,000 SDPR(1108) Capital	Statutory Authority: AS 03.05.010, 027, 030, AS 44.37.030

PURPOSE

Additional Statutory Designated Program Receipt (SDPR) authorization is needed to receive \$85,000 from the National Fish and Wildlife Foundation (NFWF) to implement a Canada thistle (C. thistle) management program in the Anchorage Area. Funds will be used for prioritization and manual control of known C. thistle infestation, public outreach to identify new infestations, the creation of awareness of the issue, and inventory efforts in areas of Anchorage where C. thistle data is lacking. C. thistle has a limited distribution in most of South-central Alaska, except for the Anchorage area, where it is considered to be locally widespread. Managing C. thistle in the Anchorage area will prevent impacts to surrounding areas important for agriculture, recreation, and wildlife populations. This funding will supplement the FY2012 Canada Thistle Infestations Eradication and Control capital project identified above. A copy of the grant agreement with NFWF is included with this request.

PREVIOUS LEGISLATIVE CONSIDERATION

This funding was not anticipated when developing the FY2013 budget and there has been no previous Legislative consideration. No previous RPLs have been considered.

TIMING ISSUES

This funding was not anticipated when the current budget was developed. An application is pending. The funds are imminent and will be available upon signature, at that time the National Fish and Wildlife Foundation has agreed to extend the grant. The funds are needed now to implement the project during this growing season and through next season after extension of the agreement. Delay would hinder appropriate timing of treatments of infestations, efforts to decrease the extent of the infestations, prevent the spread of C. thistle, and gathering of data. Delays may also increase the chance of diminished natural and agricultural resource production in Alaska. Canada thistle is known in other parts of North America to cause serious ecological changes and infest farm land.

Legislative Fiscal Analyst Comment: The agency expects to have funding in hand very soon after RPL approval and is ready to make the funds part of the summer plan. Waiting for a subsequent LB&A meeting will delay use of the funding to address thistle infestation this growing season.

BUDGETARY ISSUES

This funding fits into long-term plans and mission of the North Latitude Plant Materials Center.

The following is the line item distribution of the proposed expenditure:

Expense type	Cost	Explanation
Personnel	\$72,000	Request a long term non perm position to manage project and implement control. NRT III, Range 14. Includes 10% administration cost.
Supplies	\$5,000	GPS for data monitoring and keeping; Miscellaneous supplies for camera, postage and safety supplies
Travel	\$8,000	Travel for control and inventory work and travel to annual invasive species conference for two years.
Total cost	\$85,000	

This will be a new project within the Canadian Thistle capital appropriation; no funds have been expended to date on this grant. This is a new one time project. There will be no impact on the general fund in the FY2013 operating budget. The match is provided through the existing Canadian Thistle capital appropriation. There is no excess SDPR authority to accept these funds currently within the capital project. Depending on the project's success and agency need, anticipated funding will be spent through FY2013.



LAWS OF ALASKA

2011

FIRST SPECIAL SESSION

Source
HCS CSSB 46(FIN)

Chapter No.
5

AN ACT

Making and amending appropriations, including capital appropriations, savings deposits in the form of appropriations to the statutory budget reserve fund, and other appropriations; making appropriations to capitalize funds; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Enrolled SB 46

	Appropriation	General	Other
	Allocations	Funds	Funds
Koyukuk Armory Deferred	40,000		
Maintenance (HD 6)			
Military Youth Academy	3,000,000		
Deferred Maintenance,			
Renewal, and Replacement			
(HD 16-32)			
Nome Armory Deferred	950,000		
Maintenance (HD 39)			
Sitka Armory Deferred	475,000		
Maintenance (HD 2)			
Statewide Armory Deferred	120,000		
Maintenance (HD 1-40)			
Wasilla - Alcantra Armory	2,162,000		
Deferred Maintenance (HD			
13-16)			

***** Department of Natural Resources *****			

Abandoned Mine Lands	2,000,000		2,000,000
Reclamation Federal			
Program (HD 1-40)			
Alaska Coastal Management	1,360,000		1,360,000
Federal Grants (HD 1-40)			
Assessment of In-State Gas	500,000	500,000	
Energy Potential Phase 2 of			
3 (HD 1-40)			
29 Canada Thistle Infestations	170,000	170,000	
Eradication and Control			
(HD 16-32)			
Channel Islands Marine	50,000	50,000	
Park Debris Removal and			

Canada Thistle Infestations Eradication and Control**FY2012 Request: \$170,000****Reference No: 52473****AP/AL:** Appropriation**Project Type:** Equipment / Commodities**Category:** Natural Resources**Location:** Anchorage Areawide**House District:** Anchorage Areawide (HD 17-32)**Impact House District:** Anchorage Areawide (HD 17-32)**Contact:** Leg Import**Estimated Project Dates:** 07/01/2011 - 07/01/2017 **Contact Phone:** (907)555-5555**Brief Summary and Statement of Need:**

The DRN proposes to partner with the Anchorage Cooperative Weed Management Area (CWMA) to control Canada thistle infestations. Efforts will focus on eradicating populations that threaten to impact other areas or key resources.

Funding:	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	Total
Gen Fund	\$170,000						\$170,000
Total:	\$170,000	\$0	\$0	\$0	\$0	\$0	\$170,000

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	
Totals:	0	0

Additional Information / Prior Funding History:

**NATIONAL FISH AND WILDLIFE FOUNDATION
GRANT AGREEMENT**

PROJECT: 1701.09.020231 (Canada Thistle Control (AK))

PROPOSAL ID: 20231

NFWF RECIPIENT: Alaska Division of Agriculture

RECIPIENT TYPE: State or Local Government

PERIOD OF PERFORMANCE: April 1, 2012 to September 15, 2012

PROJECT DESCRIPTION: Partner with the Anchorage Cooperative Weed Management Area to control Canada thistle infestations. Project will focus on eradicating the weed from a 35 acre area that supports moose, bear, dall sheep, salmon, and other valuable resources.

NFWF AWARD: \$85,000

FUNDING SOURCES	AMOUNT	CFDA NUMBER
Bureau of Land Management (FA.A048)	\$80,000	15.231
U.S. Forest Service (FA.A047)	\$5,000	10.683

NON-FEDERAL MATCH REQUIREMENT: \$85,000

FEDERAL MATCH REQUIREMENT: N/A

The National Fish and Wildlife Foundation (NFWF) agrees to provide the NFWF Award to the NFWF Recipient for the purposes of satisfactorily performing the Project described in a full proposal titled "Canada Thistle Control (AK)" and incorporated into this grant agreement by reference. The NFWF Award is provided on the condition that the NFWF Recipient agrees that it will raise and spend at least \$85,000 in matching contributions on the Project. Project must be completed, with all NFWF funds and matching contributions spent, during the Period of Performance as set forth above.

NFWF RECIPIENT CONTACT INFORMATION

Recipient Name: Brianne Blackburn
Recipient Address: 5310 S. Bodenburg Spur Road
Palmer, AK 99645
Recipient Phone: 907-745-8785
Recipient Fax: 907-746-1568
Recipient Email: Brianne.Blackburn@alaska.gov

NFWF CONTACT INFORMATION

NFWF Project Administrator: Maureen Carothers
NFWF Address: 1133 Fifteenth Street, NW
Suite 1100
Washington, DC 20005
NFWF Phone: 202-857-0166
NFWF Fax: 202-857-0162
NFWF Email: Maureen.Carothers@nfwf.org

NFWF PROCESS

Matching Contributions.

Matching Contributions consist of cash, contributed goods and services, volunteer hours, and/or property raised and spent for the Project. Matching Contributions for the purposes of this Project must meet the following three criteria: 1) Matching Contributions must be non-federal in nature and not presented as match to any other federal program(s); 2) Matching Contributions must be committed directly to the Project and must be used within the Period of Performance as identified on page 1 of this grant agreement; and 3) Matching Contributions must be voluntary in nature. Funds presented for fulfillment of mitigation, restitution, or other permit or court-ordered settlements are not eligible.

Documentation of Matching Contributions.

1. Cash, Goods and Services, and/or Property. The NFWF Recipient must report to NFWF as a part of the final report, the Matching Contributions received by the NFWF Recipient and expended in connection with the Project. The match report must include the name and address and contribution amount of any donor who contributes \$500 or more to the Project. Fair market value of donated goods and services, including volunteer hours, shall be computed as outlined in the OMB Circulars.
2. Property. The NFWF Recipient may have a third party donor submit a letter to NFWF, documenting the fair market value and date of a Matching Contribution and stating that the donation is non-Federal, voluntary, and intended to qualify as a Matching Contribution. A letter provided to document a donation of real property must be accompanied by an appraisal by a certified appraiser; a letter provided to document rental of equipment or space must list three comparable rentals in the location of the Project.

The NFWF Recipient must retain detailed time records for contributed services and original receipts and appraisals of real property and comparable rentals for other contributed property at its place of business in the event of an audit of the NFWF Recipient as required by applicable Federal regulations.

Restrictions on Use of Funds.

No Funds provided by NFWF pursuant to this grant agreement or Matching Contributions may be used to support overhead/indirect costs, litigation expenses, lobbying activities, terrorist activities, or activities in violation of the Foreign Corrupt Practices Act.

Payment of Funds.

To receive funds, the NFWF Recipient must provide NFWF with: 1) an original executed copy of the grant agreement; 2) a Payment Request from the NFWF Recipient requesting payment; and 3) any required financial and programmatic reports. Failure to provide information required by this grant agreement may delay payment. NFWF Recipient may request funds by submitting a Payment Request via NFWF's Easygrants system. NFWF Recipient may request advance payment of funds prior to expenditure provided: 1) NFWF Recipient demonstrates an immediate need for advance payment; and 2) NFWF Recipient documents expenditure of advanced funds on the next required financial report to NFWF. Approval of any advance payment of funds is made at the sole discretion of NFWF, based on an assessment of the NFWF Recipient's needs. In all other cases, funds are disbursed on a reimbursable basis. NFWF reserves the right to retain up to twenty percent (20%) of funds until submission and acceptance of the final reports.

Interim Programmatic Reports.

The NFWF Recipient will submit an interim programmatic report to NFWF based on the reporting schedule below. The interim programmatic report shall consist of written statements of Project accomplishments since Project initiation, or since the last reporting period, and shall be uploaded via NFWF's Easygrants system.

Annual Financial Report.

An annual financial report detailing cumulative receipts and expenditures made under this Project is required annually, due on October 31st of each year of the grant term. In the annual financial report, the NFWF Recipient must report the amount of NFWF Funds expended during NFWF's fiscal year (October 1 – September 30). The NFWF Recipient must enter a justification when there is a difference between the amount disbursed by NFWF and the amount expended by the grantee. Failure to submit an annual financial report in a timely manner will delay payment of submitted payment requests.

Final Reports.

No later than 90 days after the completion of the Project, the NFWF Recipient will submit 1) a final financial report accounting for all Project receipts, Project expenditures, and budget variances (if any) compared to the approved budget; 2) a final programmatic report summarizing and evaluating the accomplishments achieved during the Period of Performance; 3) a representative number of photographs depicting the Project; and 4) copies of any publications, press releases and other appropriate products resulting from the Project. The final reports should be uploaded via NFWF's Easygrants system. Any requests for extensions of the final report submission date must be made in writing to the NFWF Project Administrator and approved by NFWF in advance.

Reporting Due Dates.

June 1, 2012	Interim Programmatic Report
September 1, 2012	Final Financial Report
September 1, 2012	Final Programmatic Report

Amendments.

During the life of the Project, the NFWF Recipient is required to inform the NFWF Project Administrator of any changes in contact information or in the Project scope of work, as well as any difficulties in completing the Project by the end of the Period of Performance, or in submitting reports by their due dates. If the NFWF Recipient determines that the amount of the budget is going to change in any one budget category by an amount that exceeds 10% of the Award, the NFWF Recipient must seek approval from the Project Administrator. Amendment requests should be initiated by the NFWF Recipient upon determination of a deviation from the original grant agreement. However, NFWF may initiate the amendment if NFWF determines an amendment is necessary. Amendment requests are to be submitted via NFWF's Easygrants system.

Termination.

Failure by the NFWF Recipient to comply with any material term of this grant agreement shall be deemed to be a default in this grant agreement and constitute cause for NFWF to terminate this grant agreement by written notice to the NFWF Recipient and to pursue any legal remedy to which NFWF may be entitled.

The NFWF Recipient may terminate this grant agreement by written notice to NFWF. In the event of termination of this grant agreement prior to Project completion, the NFWF Recipient shall immediately (unless otherwise directed by NFWF in its notice if NFWF initiated the termination) undertake all reasonable steps to wind down the Project cooperatively with NFWF, including but not limited to the following:

- a. Stop any portion of the Project's work that is incomplete (unless work to be completed and a different date for termination of work are specified in NFWF's notice).
- b. Place no further work orders or enter into any further subawards or subcontracts for materials, services or facilities, except as necessary to complete work as specified in NFWF's notice.
- c. Terminate all pending Project work orders, subawards, and subcontracts for work that has not yet commenced.
- d. With the prior written consent of NFWF, promptly take all other reasonable and feasible steps to minimize and/or mitigate any damages that may be caused by the failure to complete the Project, including but not limited to reasonable settlements of any outstanding claims arising out of termination of Project work orders, subawards, and subcontracts.
- e. Deliver or make available to NFWF all data, drawings, specifications, reports, estimates, summaries, and such other information and material as may have been accumulated by the NFWF Recipient under this grant agreement, whether completed or in progress.
- f. Return to NFWF any unobligated portion of the Award.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS GENERAL

Assignment; Subawards and Subcontracts.

The NFWF Recipient may not assign this grant agreement, in whole or in part, to any other individual or other legal entity without the prior written approval of NFWF. The NFWF Recipient may not provide subawards nor enter into subcontracts without the prior written approval of NFWF. Subawards and subcontracts with known parties disclosed in the proposal budget are deemed to be approved.

Unexpended Funds.

Any funds provided by NFWF and held by the NFWF Recipient and not expended at the end of the Period of Performance will be returned to NFWF within ninety (90) days after the end of the Period of Performance.

Additional Support.

In making this Award, NFWF assumes no obligation to provide further funding or support to the NFWF Recipient beyond the terms stated in this grant agreement.

Publicity and Acknowledgement of Support.

The NFWF Recipient agrees to give appropriate credit to NFWF and any Funding Sources identified in this grant agreement for their financial support in any and all press releases, publications, annual reports, video credits, dedications, and other public communications regarding this grant agreement or any of the project deliverables associated with this grant agreement. The NFWF Recipient must obtain prior NFWF approval for the use of the NFWF logo and any public information releases concerning this Award.

Posting of Final Reports.

The NFWF Recipient gives NFWF the right and authority to publicize NFWF's financial support for this grant agreement and the Project in press releases, publications and other public communications. The NFWF Recipient hereby acknowledges its consent for NFWF and any Funding Source identified in this grant agreement to post its final reports on their respective websites. In the event that the NFWF Recipient intends to claim that its final report contains material that does not have to be posted on such websites because it is protected from disclosure by statutory or regulatory provisions, the NFWF Recipient shall so notify NFWF and any Funding Source identified in this grant agreement and clearly mark all such potentially protected materials as "PROTECTED," providing an accurate and complete citation to the statutory or regulatory source for such protection.

Website Links.

The NFWF Recipient agrees to permit NFWF to post a link on any or all of NFWF's websites to any websites created by the NFWF Recipient in connection with the Project.

Evaluation.

The NFWF Recipient agrees to cooperate with NFWF by providing timely responses to all reasonable requests for information to assist in evaluating the accomplishments of the Project for a period of five (5) years after the date on which the final financial and programmatic reports are provided.

Arbitration.

All claims, disputes, and other matters in question arising out of, or relating to this grant agreement, its interpretation or breach, shall be decided through arbitration by a person or persons mutually acceptable to both NFWF and the NFWF Recipient. Notice of the demand for arbitration shall be made within a reasonable time after the claim, dispute, or other matter in question has arisen. The award rendered by the arbitrator or arbitrators shall be final. The terms of this provision will survive termination of this grant agreement.

Indemnity.

The NFWF Recipient shall indemnify and hold harmless NFWF, any Funding Source identified in this grant agreement, their respective officers, directors, agents, and employees in respect of any and all claims, injuries, losses, diminution in value, damages, liabilities, whether or not currently due, and expenses including without limitation, settlement costs and any legal or other expenses for investigating or defending any actions or threatened actions arising from or in connection with the Project. The terms of this provision will survive termination of this grant agreement.

Choice of Law/Jurisdiction.

This grant agreement shall be subject to and interpreted by the laws of the District of Columbia, without regard to choice of law principles. By entering into this grant agreement, the NFWF Recipient agrees to submit to the jurisdiction of the courts of the District of Columbia. The terms of this provision will survive termination of this grant agreement.

Compliance with Laws.

In conducting its activities relating to the Project, the NFWF Recipient agrees to conduct all such activities in compliance with all applicable Federal, State, and local laws, regulations, and ordinances and to secure all appropriate necessary public or private permits and consents. The terms of this provision will survive termination of this grant agreement.

Insurance.

The NFWF Recipient agrees to obtain and maintain all appropriate insurance against liability for injury to persons or property from any and all activities undertaken by the NFWF Recipient and associated with this Award in any way. The terms of this provision will survive termination of this grant agreement.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS RELATING TO FEDERAL FUNDS

The NFWF Recipient must read and understand certain Federal regulations, including but not limited to, those identified below which may be located on the Internet at www.whitehouse.gov/omb/circulars/index.html. If a NFWF Recipient does not have access to the Internet, it should ask its NFWF Project Administrator for copies. Many Federal agencies have agency-specific regulations that govern the issuance of awards and subawards with their funds; it is the obligation of the NFWF Recipient to review and comply with any such regulations issued by its Federal agency Funding Source(s).

If the NFWF Recipient is a non-profit organization, it will need to understand and comply with (i) OMB Circular A-110 "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" and, (ii) depending on what kind of organization it is, either (a) OMB Circular A-21 "Cost Principles for Educational Institutions" or (b) OMB Circular A-122 "Cost Principles for Non-Profit Organizations," in addition to other applicable Federal regulations.

If the NFWF Recipient is a State, Local or Tribal Government, it will need to understand and comply with OMB Circulars A-102 "Grants and Cooperative Agreements with State and Local Governments" and A-87 "Cost Principles for State, Local, and Indian Tribal Governments," in addition to other applicable Federal regulations.

A-133 Audits.

If the NFWF Recipient is any type of U.S. organization and it expends an aggregate of \$500,000 or more from all Federal sources in a fiscal year, it is subject to a special kind of audit as detailed in OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations," which it will need to understand and comply with, in addition to other applicable Federal regulations.

Interest.

Any interest earned in any one year on Federal funds advanced to the NFWF Recipient that exceeds \$250 must be reported to NFWF, and the disposition of those funds negotiated with NFWF.

Subcontractor Lobbying.

The NFWF Recipient agrees, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Subcontractor Debarment and Suspensions.

The NFWF Recipient shall enter into no contract or subcontract using Federal funds provided by NFWF with any party listed on the General Services Administration's Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689 (Debarment and Suspension).

Disclaimers.

Payments made to the NFWF Recipient under this grant agreement do not by direct reference or implication convey NFWF's endorsement nor the endorsement by any other entity that provides funds to the NFWF Recipient through this grant agreement, including the U.S. Government, for the Project. All information submitted for publication or other public releases of information regarding this grant agreement shall carry the following disclaimer:

"The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government or the National Fish and Wildlife Foundation. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government or the National Fish and Wildlife Foundation."

Davis-Bacon Act.

If applicable to the Project, the NFWF Recipient shall be subject to the provisions of the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provision Applicable to Contracts Governing Federally Financed and Assisted Construction").

Rights to Inventions.

If applicable to the Project, the NFWF Recipient shall abide by the provisions of 37 CFR Part 401 (Rights to Inventions Made by Non-Profit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements) and any implementing regulations issued by the Federal agency(ies) that provide funds for this grant agreement.

SIGNATURES

IN WITNESS WHEREOF, the parties have executed this grant agreement, intending to be bound legally.

NATIONAL FISH AND WILDLIFE FOUNDATION

Gerry Vans
Vice President, Operations

(Date)

ALASKA DEPARTMENT OF NATURAL RESOURCES

(Signature)

(Name and Title)

(Date)